

### **III. REMARKS**

#### **Status of the Claims**

Claims 1, 14, 15, and 18 are amended. Claims 1,3-5,7-15,17,18, and 20 are presented for further consideration.

#### **Summary of the Office Action**

Claims 1,3-5,9-15,17-18, and 20 stand rejected under 35USC103(a) on the basis of the cited reference Iera, "Priorities for an Effective Management of Multimedia Services in UMTS" (Proceedings IEEE INFOCOM 1996) in view of the teaching of Reardon, et al, U.S. Patent No. 5,636,223. Claims 7 and 8 stand rejected under 35USC103(a) based on Iera in view of Reardon, and further in view of Chambers, et al. U.S. Patent No. 6,256,497. The Examiner is respectfully requested to reconsider the rejection in view of the above amendments and the following remarks.

#### **Discussion of the Cited References**

The examiner has relied on the reference Iera in view of the teaching of the reference Reardon, et al, in support of the rejection based on obviousness. The Examiner has indicated that the reference Iera does not disclose that the bearers are organized into sets of at least two hierachical levels. The independent claims of this application are amended to emphasize the hierarchical nature of the consideration of priority values according to this invention.

The examiner cites the reference Reardon et al as teaching "organizing into sets on at least two hierarchical levels and a priority data item is given for each set", referring in particular to Figures 3 and 4, and the text in col. 7, lines 4-8. However, a careful review of Figure 4 of Reardon et al. shows

that the terminal priority and the channel priority are actually on the same hierarchical level because an increase of terminal priority level by one step is compensated by decreasing the channel priority level by one step, when the access priority value is determined.

If more channels are required than what is available, the channels are denied according to the combination (sum) of the priority level values. However, in a preferred embodiment of the present invention the priorities are hierarchical. If more channels are required than what is available, the channels are first denied according to the first (most significant) priority data item (absolute priority) as explained in the description of Fig. 2 of the present invention. If two bearers have the same absolute priority value, only then will the value of a second (relative) priority data item be checked in order to select the bearer to be denied.

Thus there are hierarchical levels among the bearers and identities in the present application. The claims of this application, as amended, clearly indicate the hierarchical sequence of the decision in the subject invention.

Applicant, therefore, submits that the combined references Iera in view of Reardon at al do not support the rejection of the independent claims of this application, as amended, based on obviousness. The cited reference Chambers, does not remedy the above indicated deficiency of the combined teachings of Iera/Reardon.

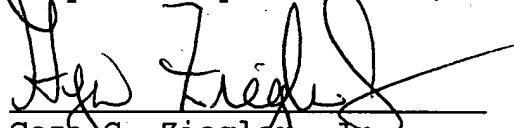
The above arguments are equally applicable to the rejected dependent claims of this application.

In view of the remarks stated above, Applicant submits that all

of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1,810.00 is enclosed for a three month extension of time and RCE filing fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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29 Dec 2004  
Date

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